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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,660	06/30/2003	Paul F. Dietrich	6561/53769	1980
30505 7590 02/22/2008 Law Office of Mark J. Spolyar 38 Fountain Street San Francisco, CA 94114			EXAMINER HARPER, KEVIN C	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/611,660

Applicant(s)

DIETRICH ET AL.

Examiner

Kevin Harper

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-18, 20-24 and 26-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8, 15, 24 and 26-34 is/are allowed.
- 6) ☒ Claim(s) 9-14, 16-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments.

Applicant's arguments filed December 13, 2007 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, the indicated allowability of claims 9-14, 16-18 and 20-23 is hereby withdrawn and a new ground(s) of rejection is made in view of Iyer et al.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9-14, 16-18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyer et al. (US 2005/0254474) in view of Lynn et al. (US 2007/0192870).

1. Regarding claims 9, 11-12, 16-18, 20 and 22-23, Iyer discloses a method for containing rogue access points in a wireless network in which stations terminate connections upon receipt of de-authentication frames (para. 22; para. 70-72; para. 76). The method comprises detecting a rouge access point (paras. 30-31), identified by a wireless network address (fig. 6; paras. 47-49), selecting at least one authorized access point (para. 76), emulating the rogue access point and transmitting connection-terminating frames to terminate connections between the rogue access point and the wireless client (paras. 68-69 and 71-72; note: the AM sends a deauthentication frame on behalf of the AP). Further regarding claim 16, Iyer discloses a rogue containment device (figs. 11-12, item 120) comprising an inherent network interface (fig. 1) connected to a computer network to communicate with at least one network device (item 110) comprising a rouge containment module (fig. 11, VWMAC and RAPW-MAC; para. 66-67) to receive data characterizing a rouge access point (fig. 11, item 1200) and configuring one or more wireless network access devices to emulate the rouge access

point (para. 68, DENIAL_OF_SERVICE message) and send connection terminating frames (para. 69-72; note: a DEAUTHENTICATION message is sent from the AM to the STA with the SA of the AP).

2. However, Iyer does not disclose that the connection terminating frames are sent at a repetition interval. However, Lynn discloses that a mobile station re-authenticates when it receives a de-authentication message (para. 130; DoS Attack). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to send connection terminating frames at a repetition interval in the invention of Iyer in order to block future connection attempts (Iyer, para. 69, lines 1-5; Lynn, para. 130, DoS Attack).

3. Regarding claims 13 and 21, Iyer does not disclose transmitting disassociation frames. However, Lynn discloses transmitting disassociation frames (para. 130, DoS Attack). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit disassociation frames in the invention of Iyer in order to terminate connections (Lynn, para. 130, Dos Attack).

4. Regarding claims 10 and 14, Iyer discloses that the source of the connection terminating frame is the rogue access point (para. 72; para. 70).

Allowable Subject Matter

Claims 5-8, 15, 24 and 26-34 are allowed.

Conclusion

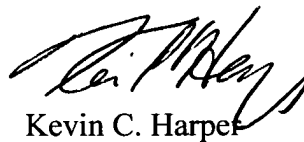
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

February 17, 2008